

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

October 7, 2004

MINUTES

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL COUNCIL. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.**

The Regional Council of the Southern California Association of Governments held its meeting at SCAG Offices downtown Los Angeles. The meeting was called to order by the President Councilmember Ron Roberts, City of Temecula. There was a quorum.

**Members Present**

Councilmember Ron Roberts, Temecula, President	District 5
Supervisor Hank Kuiper, Imperial County, 1st VP	
Mayor Toni Young, Port Hueneme, 2 <sup>nd</sup> VP	District 45
Supervisor Yvonne Burke, LA County	
Supervisor Paul Biane, San Bernardino County	
Supervisor Chris Norby, Orange County	
Councilmember Bonnie Flickinger, Moreno Valley	District 3
Mayor Lee Ann Garcia, Grand Terrace	District 6
Councilmember Susan Longville, San Bernardino	District 7
Councilmember Deborah Robertson, Rialto	District 8
Mayor Bill Alexander, Rancho Cucamonga	District 9
Councilmember Cathryn De Young, Laguna Niguel	District 12
Councilmember Richard Dixon, Lake Forest	District 13
Councilmember Tod Ridgeway, Newport Beach	District 14
Councilmember Lou Bone, Tustin	District 17
Councilmember Alta Duke, La Palma	District 18
Councilmember Marilyn Poe, Los Alamitos	District 20
Councilmember Paul Bowlen, Cerritos	District 23
Councilmember Gene Daniels, Paramount	District 24
Councilmember Keith McCarthy, Downey	District 25
Councilmember Judy Dunlap, Inglewood	District 28
Councilmember Bea Proo, Pico Rivera	District 31
Councilmember Margaret Clark, Rosemead	District 32
Councilmember Dick Stanford, Azusa	District 33
Councilmember Harry Baldwin, San Gabriel	District 35
Councilmember Tom Sykes, Walnut	District 37
Councilmember Llewellyn Miller, Claremont	District 38
Councilmember Paul Nowatka, Torrance	District 39
Councilmember Jim Aldinger, Manhattan Beach	District 40
Councilmember Bob Yousefian, Glendale	District 42

Councilmember Mike Dispenza, City of Palmdale	District 43
Councilmember Dennis Washburn, Calabasas	District 44
Councilmember Glen Becerra, Simi Valley	District 46
Councilmember Carl Morehouse, San Buenaventura	District 47
Councilmember Greig Smith, Los Angeles	District 59
Councilmember Debbie Cook, Huntington Beach	District 64
Councilmember Robin Lowe, Hemet	RCTC
Supervisor Charles Smith, County of Orange	OCTA

### **Members Not Present**

Supervisor Marion Ashley, Riverside County	
Supervisor Judy Mikels, Ventura County	
Supervisor Zev Yaroslavsky, LA County	
Councilmember Jo Shields, Brawley	District 1
Councilmember Greg Pettis, Cathedral City	District 2
Mayor Ron Loveridge, Riverside	District 4
Mayor Gary Ovitt, Ontario	District 10
Mayor Lawrence Dale, Barstow	District 11
Councilmember Richard Chavez, Anaheim	District 19
Councilmember Art Brown, Buena Park	District 21
Councilmember Bev Perry, Brea, Immediate Past President	District 22
Councilmember Frank Gurule, Cudahy	District 27
Councilmember Isadore Hall, Compton	District 26
Councilmember Tonia Reyes-Uranga, Long Beach	District 30
Councilmember Paul Talbot, Alhambra	District 34
Councilmember Sid Tyler, Pasadena	District 36
Councilmember Pam O'Connor, Santa Monica	District 41
Councilmember Ed Reyes, Los Angeles	District 48
Councilmember Wendy Greuel, Los Angeles	District 49
Councilmember Dennis Zine, Los Angeles	District 50
Councilmember Tom LaBonge, Los Angeles	District 51
Councilmember Jack Weiss, Los Angeles	District 52
Councilmember Tony Cardenas, Los Angeles	District 53
Councilmember Alex Padilla, Los Angeles	District 54
Councilmember Bernard Parks, Los Angeles	District 55
Councilmember Jan Perry, Los Angeles	District 56
Councilmember Martin Ludlow, Los Angeles	District 57
Councilmember Cindy Miscikowski, Los Angeles	District 58
Councilmember Eric Garcetti, Los Angeles	District 60
Councilmember Antonio Villariagosa, Los Angeles	District 61
Councilmember Janice Hahn, Los Angeles	District 62
Councilmember Thomas Buckley, Lake Elsinore	District 63
Councilmember Ted Burgnon, Town of Apple Valley	District 65
Mayor James Hahn, Los Angeles	At-Large
Mayor Bill Davis, Simi Valley	VCTC

## **Staff Present**

Mark Pisano, Executive Director  
Jim Gosnell, Deputy Executive Director  
Heather Copp, Chief Financial Officer  
Colin Lennard, General Counsel  
Karen Tachiki, Chief Counsel  
Hasan Ikrata, Director, Planning & Policy  
Huasha Liu, Acting Director, Information Services  
Shelia Stewart, Executive Assistant

### **1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE**

The pledge of Allegiance was led by Councilmember Greig Smith, City of Los Angeles.

### **2.0 PUBLIC COMMENT PERIOD**

Comments were received from Jose Andrade, Resident of Los Angeles, regarding a state requirement of computer literacy prior to graduation.

### **3.0 CONSENT CALENDAR**

Item 3.1.3 was pulled. The remaining consent calendar items were MOVED (Dixon), SECONDED (Young) APPROVED and UNANIMOUSLY APPROVED:

#### **3.1 Approval Items**

3.1.1 Approve Minutes of Sept. 2, 2004

3.1.2 Approve Co-Sponsorship of a Homeland Security Conference

3.1.4 Caltrans Transportation Planning Grant Applications

#### **3.2 Receive & File**

3.2.1 Contracts & PO between \$5,000 - \$25,000

3.2.2 Conflict of Interest Listing

3.2.3 SCAG Legislative Matrix

3.2.4 Meeting Summary from Policy Committees

#### **Item Pulled**

3.1.3 Proposed Date, Location & Budget for SCAG's 2005 General Assembly & 40<sup>th</sup> Anniversary Celebration

The Administration Committee recommended that \$5000 be taken from RC special projects of the General Fund and added to the General Assembly budget item for a total budget of \$15, 000.

It was MOVED (Dixon), SECONDED (Kuiper) and UNANIMOUSLY APPROVED.

### **3.0 PRESIDENT'S REPORT**

- **Appointments**

**Regional Council**

Hon. Rae Gabelich, Long Beach, representing District 29

Hon. Marilyn Poe, Los Alamitos, representing District 20

**Subregional Representatives to Policy Committees**

Rep.CVAG to TCC: Hon. Juan DeLara, Coachella

Rep Gateway Cities to TCC: Hon. Bonnie Lowenthal, Long Beach

**Administration Committee**

Hon. Jim Aldinger, Manhattan Beach

**Communication & Membership Subcommittee**

Hon. Harry Baldwin, San Gabriel

Hon. Art Brown, Buena Park

Hon. Bonnie Flickinger, Moreno Valley

**Maglev Task Force**

Hon. Tom LaBonge, Los Angeles

### **3.1 EXECUTIVE DIRECTOR'S REPORT**

Mark Pisano reported that he and Councilmember Bev Perry participated in meeting with House Appropriations Chair Ernest Istook and Senator Diane Feinstein in Washington, D.C. regarding the conformity issues and financial needs.

Senator Feinstein requested a letter from Lockheed Martin stating its commitment to the California Project. Mr. Pisano will also brief Senator Feinstein and her staff on Maglev on a quarterly basis.

In addition he reported that he spoke about the problem of ethanol tax rates with Senator Feinstein. California recently completed its conversion from fuel blended with MTBE to an ethanol blend. He noted that ethanol is taxed by the federal government at a lower rate, 13.2 cents, compared to the regular gas tax of 18.4 cents. As a result, California receive less in federal reimbursements. Senator Feinstein indicated she plans to work with Senator Tom Harken of Indiana to introduce language in the omnibus appropriations to address the issue.

## **5.0 ACTION ITEMS**

### **5.1 Administration Committee Report**

#### **5.1.1 FY 2005-2006 Overall Work Program (OWP) Priorities**

The Administration Committee recommended approval of the 2005-2005 OWP Priorities. It was MOVED (Dixon), SECONDED (Kuiper) and UNANIMOUSLY APPROVED.

#### **5.1.2 Legal Services Contract**

Councilmember Dixon, Chair reported that the Administration Committee recommended that a Legal Services Subcommittee of the Regional Council, composed of the officers of SCAG be established. The duties of the Subcommittee are outlined in the attachment. In addition, it was recommended that Chief Counsel, after consultation with the Executive Director and General Counsel, have authority to enter into contracts of less than \$25,000.00 and shall report the letting of said contracts to the Legal Services Subcommittee.

The Administration Committee also recommended the amendment of the Fulbright & Jaworski's contract, for the scope of services for Colin Lennard to serve as the General Counsel all as outlined in the attachment.

It was MOVED (Dixon), SECONDED (Young) and UNANIMOUSLY APPROVED

### **5.2 Transportation & Communications Committee (TCC) Report** .

#### **5.2.1 Status of Transportation Improvement Program**

The Regional Council approved the RTIP at their September 2, 2004 meeting, the 2004 Regional Transportation Improvement Program. Mr. Ihkrata reported that MTA board took a positive action to fund TCMs, subsequently, the FHWA and FTA approved the RTIP. Mr Ihkrata stated that the approval is conditional, not only for SCAG but for the State as well. The condition is based on the state coming forth with a financial plan based on the adopted budget by April 1, 2005.

Mark Pisano stated that staff completed a tremendous amount of work while working with MTA and others to accomplish the approval of the RTIP and they are to be commended for all of their work and efforts.

### **5.3 Energy & Environment Committee (EEC) Report**

#### **5.3.1 Intergovernmental Framework for Water Quality**

The EEC recommended that the Executive Director be authorized to offer SCAG's assistance to the Los Angeles Regional Water Quality Control Board, for development of an intergovernmental framework through which comprehensive and coordinated Total Maximum Daily Load (TMDL) implementation planning can be done for water quality compliance in the Los Angeles River watershed.

It was MOVED (Kuiper), SECONDED (Young) and UNANIMOUSLY APPROVED.

### **5.4 Community & Human Development Committee (CEHD) Report**

#### **5.4.1 Regional Comprehensive Plan (RCP) Concepts and Approach**

Jacob Lieb, SCAG staff, presented a power point presentation. He stated that as part of the approval of the SCAG Strategic Plan on October 3, 2002, as well as the approval of the Compass Growth Vision on June 3, 2004, the Regional Council directed the creation of a new Regional Comprehensive Plan (RCP). The purpose of this RCP is to serve as a tool for implementing regional policies and programs, in particular the Regional Transportation Plan, its associated Programmatic Environmental Impact Report, and the Compass Growth Vision.

The RCP consolidates and translates programs and policies of SCAG in order to facilitate and promote external, independent actions. The Fiscal Year 04-05 Work Plan calls for SCAG to take all steps necessary to complete a draft plan. Review and adoption of a final RCP is planned for Fiscal Year 05-06. The CEHD recommended that the RC approve the proposed concepts and approaches for the RCP.

It was MOVED (Dixon), SECONDED (Bone) and UNANIMOUSLY APPROVED.

### **5.5 Communication Task Force Report**

Councilmember Proo, Chair, announced that plans for observing SCAG's 40<sup>th</sup> anniversary are underway. SCAG will celebrate this milestone as part of the May 2005 General Assembly.

The 8<sup>th</sup> Annual Regional Economic Forecast Conference will be held at the Walt Disney Concert Hall on Thursday, November 18<sup>th</sup> from 7:45 am to 2:00 pm. The keynote speaker is Sunne Wright McPeak, Secretary of California's Business, Transportation and Housing Agency.

There is no charge for RC members who register in advance. Members could also register on-line or fill out registration form after the meeting..

## **6.0 INFORMATION ITEMS**

### **6.1 Monthly Financial Report**

Heather Copp, CFO, announced that most invoices are being paid without use of the line of credit. KMPG has completed its audit. Results will be presented to the Audit Committee and later to the RC.

### **6.2 Update on discussion between SCAG and Tribal Governments**

Karen Tachiki, Chief Counsel, presented an update to the RC on the discussions regarding tribal governments participation in SCAG and possible next steps.

SCAG has been working to enhance the role of Tribal Governments in the regional transportation planning process. In the past year, SCAG organized four Summits to facilitate discussion on how SCAG and the Tribal Governments will participate and communicate together in the region.

At the June 30, 2004 Summit SCAG received a request to provide draft language for a conceptual approach. Draft language was discussed at the Executive Committee meeting in September and then presented at the September 9, 2004 Summit. In the presentation at the Summit it was made clear that approval of the Regional Council and General Assembly would be required.

Tribal representatives at the September 9<sup>th</sup> Summit indicated that the Indian Tribes would meet amongst themselves to respond to the language presented by SCAG. It was also reported that the Administration Committee at its morning meeting requested that a report be given at the next meeting, which would include information regarding the manner in which each Tribal nation elects its governing council, population and geographical location of each reservation and the number of reservations within the SCAG Region. Additionally, the General Counsel was asked to research legal issues associated with the state economic disclosure laws.

The Administration Committee also requested that Joe Myers, the SCAG consultant provide an oral report to the committee. Mr. Myers will also be available to report to the Regional Council at its next meeting.

## **7.0 FUTURE AGENDA ITEMS**

No future items presented at this time.

## 8.0 LEGAL COUNSEL REPORT

### 8.1 Closed Session

There was no closed session held. However in open session, the General Counsel reported on the progress made in finalizing the settlement of SCAG v.HCD & BT&H

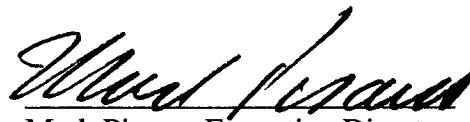
- SCAG v. HCD & BT&H  
Conference with Legal Counsel - existing litigation to be heard in closed session in pursuant to California Government Code Section §54956.9(a)  
Discussion re: appeal
- HDR Appeal  
  
Conference with Legal Counsel – anticipated litigation  
Significant exposure to litigation pursuant to California Government Code Subdivision C §54956.9  
(one potential case)
- Morrison v. SCAG  
Conference with Legal Counsel Government Code section 54956.9(a) Morrison v. Southern California Association of Governments et al. Superior Court, Los Angeles County, Case No. BC 312066

## 9.0 ANNOUNCEMENTS

Heather Copp, CFO announced that there would be a budget workshop for RC & Policy Committee members immediately following the Administration Committee meeting in November.

## 10.0 ADJOURNMENT

The Regional Council adjourned in memory of John Melton, Councilmember, City of San Paula, Past SCAG President as well as NARC. The next is scheduled for November 4, 2004 at SCAG Offices downtown Los Angeles.

  
Mark Pisano, Executive Director